IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.Rev.Pet.No. 54 of 1998()

CRA.288/1995 of ADDL.SESSIONS COURT-II, KOZHIKODE
ST.145/1993 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE
.....

REVN. PETITIONER:

K. PREMALATHA, W/O. CLAMENT MANUEL,
NURSING ASSISTANT,
MEDICAL COLLEGE HOSPITAL,
FLAT NO.D.39,N.G.O. QUARTERS,
VALLIMADUKUNNU, CALICUT-12.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:
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1. A.SANKARANKUTTY NAIR,
   HOUSE NO.13/559, KATTUKANDI PARAMBU,
   KAMATHY LANE, CALICUT-2.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

R1 BY ADV. SRI.V.V.SURENDRAN
R2 BY PUBLIC PROSECUTOR SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.P.NO.370/1998 IN CRL. R.P. 54/98

DISMISSED.

3-4-2007. SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R.UDAYABHANU, J.

CRL.R.P.NO. 54 of 1998

Dated this the 3rd day of April, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to pay a fine of Rs.20,000/- and in default to undergo simple imprisonment for three months and that out of the fine amount if paid, Rs.17,000/- shall be paid to the complainant.

2. Considering the evidence adduced in the matter and the judgments of the courts below, I find that there is no scope for interference in exercise of the revisional jurisdiction. The execution of the cheque stands proved by the testimony of PW-1 and Exts.P1 to P6 produced. No reply notice has been sent, nor was any evidence adduced at the instance of the defence. Hence, statutory presumptions stand unrebutted.

In the circumstances, the sentence is confirmed.

Considering the plea of the counsel for the revision petitioner, the sentence imposed to pay a fine of Rs.20,000/- is reduced to pay a fine of Rs.17,000/- with the default clause. The direction that if the fine is released, the amount shall be paid

to the complainant is confirmed.

The Crl.RP.is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO.54 OF 1998

ORDER

3-4-2007.